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Synchronoss Technologies, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYNCHRONOSS TECHNOLOGIES, INC.,

Plaintiff,

v.

FUNAMBOL, INC.

Defendant.

Case No. 5:16-cv-02026-NC

**STIPULATION AND] ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

Date: June 1, 2016
Time: 10:00 am
Dept: Courtroom 7, 4th Floor
Judge: Hon. Nathanael Cousins

Pursuant to Civil Local Rule 6-2, Plaintiff, Synchronoss Technologies, Inc. (“Synchronoss” or “Plaintiff”), and Defendant Funambol, Inc. (“Funambol” or “Defendant”) (collectively, the “Parties”), respectfully request that the Court enter the following stipulation to continue the date of the Case Management Conference.

I. Factual Background

In support of this stipulation, the undersigned Parties provide the following facts:

A. On April 20, 2016, this matter was transferred to this District from the United States District Court of New Jersey and reassigned to United States District Court Magistrate Judge Nathanael M. Cousins. (ECF 41.) On April 20, 2016, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines, setting the initial Case Management Conference for July 27, 2016, and setting related deadlines based on that date. (ECF 42.) On May 9, 2016, the Court advanced the initial Case Management Conference to June 1, 2016, re-setting the related deadlines based on that date. (ECF 47.)

B. On May 16, 2016, Defendant filed, pursuant to Civil Local Rule 3-12, an administrative motion to consider whether this case should be related to two cases currently pending before Judge Gilliam involving all three of the asserted patents: (1) *Synchronoss Techs., Inc. v. Dropbox, Inc.*, Case No. 16-CV-00119-HSG; and (2) *Synchronoss Techs., Inc. v. Egnyte, Inc.*, Case No. 16-CV-00120-HRL. *See Synchronoss Techs., Inc. v. Dropbox, Inc.*, 3:16-cv-00119-HSG (N.D. Cal. May 16, 2016), ECF No. 104. Defendant anticipates that, if the motion is granted, Judge Gilliam will vacate and reschedule any case management conference set by this Court, consistent with Judge Gilliam's prior order relating the Dropbox and Egnyte cases.

C. Lead counsel for Plaintiff has been in trial at the International Trade Commission for an unrelated matter starting on May 9, 2016 through at least May 18, 2016 and is not available on June 1, 2016 to attend the Case Management Conference. Counsel for Defendant only filed their notices of appearance on May 13, 2016 (ECF 48-49.)

D. Based on these facts, the Parties believe a continuance is necessary in order to give the parties adequate time to meet and confer on the relevant issues. Further, the Parties believe a

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continuation would be in the interest of judicial economy, conserve the Court's and the Parties' resources, and allow for a more efficient and productive discussion with the Court.

E. The Parties met and conferred and have agreed to request a continuance of the Case Management Conference to June 15, 2016 or a later date, subject to the convenience of the court.

F. The Parties agree that this stipulation does not modify any other deadlines in the case schedule.

G. The Parties have not previously requested any time modifications with respect to the Case Management Conference. *See* Civil L.R. 6-2(a)(2).

II. Stipulation

In light of the above facts, the Parties jointly request that the Court enter the following stipulation as an Order of the Court:

A. The Case Management Conference shall be continued to June 15, 2016 at 10:00 a.m. or a later date subject to the convenience of the Court. Updated case management statement due June 8, 2016.

IT IS SO STIPULATED.

Dated: May 18, 2016

Respectfully submitted,

DENTONS US LLP

By: /s/ Sarah S. Eskandari
Sarah S. Eskandari

COUNSEL FOR PLAINTIFF
SYNCHRONOSS TECHNOLOGIES, INC.

Dated: May 18, 2016

DURIE TANGRI US LLP

By: /s/ Timothy C. Saulsbury
Timothy C. Saulsbury

COUNSEL FOR DEFENDANT
FUNAMBOL, INC.

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Pursuant to Civil L. R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories above.

Dated: May 18, 2016

By: /s/ Sarah S. Eskandari
Sarah S. Eskandari

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 18, 2016

Honorable Nathanael Cousins
United States Magistrate Judge



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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below I caused to be served the via the Court's CM/ECF system upon all counsel of record registered to received electronic filings as indicated on the Court's website, pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Local Rule 5-1.

Dated: May 18, 2016

By: /s/Sarah S. Eskandari

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